IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Tr.P(C).No. 56 of 2007()

OS.1558/2006 of I ADDL.M.C.,TRIVANDRUM
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PETITIONERS/DEFENDANTS
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1. **R.RAMACHANDRAN NAIR, S/O. RAMAKRISHNA PILLAI, AGED 67 YEARS, RESIDING AT MAIDAN VILLA, HINDU MISSION ROAD, THIRUVANANTHAPURAM-1.**

2. **DR. R.AJAYAKUMAR, S/O. R.RAMACHANDRAN NAIR, AGED 35 YEARS, MEDICAL PRACTITIONER, RESIDING AT SHANGRILA, T.C.4/1847, KOWDIAR, THIRUVANANTHAPURAM, THE SECRETARY, SHREE VIDYADHIRAJA SAMAJAM, EAST ALUMMOODU BUNGALOW, CHETTIKULANGARA, THIRUVANANTHAPURAM.**

3. **DR. M.KALESHKUMAR, S/O. R.MOHANANATHAN NAIR, AGED 46 YEARS, PRINCIPAL IN CHARGE, SHREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL COLLEGE, NEMOM P.O., THIRUVANANTHAPURAM-20.**

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS: PLAINTIFFS
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1. **SHREE VIDYADHIRAJA VIDYASAMAJAM, A SOCIETY REGISTERED UNDER THE TRAVANCORE COCHIN LITERARY SCIENTIFIC AND CHARITABLE SOCIETIES ACT 1955, HAVING ITS OFFICE AT EAST ALUMOODU BUNGALOW, CHETTIKULANGARA, TVPM-1, DULY REPRESENTED BY ITS SECRETARY.**

2. **SHREE VIDYADHIRAJA HOMOEOPATHIC MEDICAL COLLEGE, NEMOM P.O., THIRUVANANTHAPURAM-20, REPRESENTED BY ITS MANAGER, THE SECRETARY OF SHREE VIDYADHIRAJA VIDYASAMAJAM.**

3. P.N.KRISHNA PILLAI, S/O. NARAYANAN PILLAI, AGED 71 YEARS, RETIRED HEADMASTER, RESIDING AT SOUPARNIKA, ALUMOODU, NEYYATTINKARA.

4. DR. K.RAJEEV, S/O. KRISHNA PILLAI, AGED 53 YEARS, SNA 903, SANKAR NAGAR, NEERAMANKARA, THIRUVANANTHAPURAM.

5. DR. G.SOMASEKHARAN PILLAI, S/O. G.GOPINATHAN PILLAI, AGED 52 YEARS, RAJANILAYAM, T.C.124/1031, VOLTAS LANE, VAZHUTHACAUD, THIRUVANANTHAPURAM.

BY

THIS TRANSFER PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N. KRISHNAN, J.

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Tr.P.C. NO. 56 OF 2007

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Dated this the 28th day of May, 2007.

J U D G M E N T

This is an application for transfer of the case O.S.1558/06 pending before the Court of 1st Additional Munsiff Court, Thiruvananthpauram to some other Court. The allegations are that the Presiding Officer of the Court had the opportunity to deal with the cases of the 5th plaintiff and therefore the defendant will not get justice if it is tried by the said Court. The learned Judge of this Court called for the remarks of the learned Munsiff and the learned Munsiff submitted that in no way he had been personally connected with the plaintiff in the case and he did not have any personal acquaintance with the clients of his senior and he used to sign vakkalath given to him by the learned senior and therefore he is not having any personal interest in any of the matters. The learned Munsiff has also stated that he has no grievance in transferring the case to any other Court. It is a settled principle that justice should not only be done but it must be seen to be done as well. The clients must have confidence in the Court. Though I am not very much satisfied with the grounds averred for

the transfer which had been refuted by the learned Presiding officer, I feel in fairness it can be transferred to some other Court so that unnecessary compliant can be avoided. No prejudice or injustice will be done to the other side as well if the case is transferred to any other Court in the same station. Therefore, the Transfer Petition is disposed of and the suit O.S.1558/06 pending before the I Addl. Munsiff Court, Thiruvananthapuram is transferred to the Principal Munsiff Court, Thiruvananthapuram for trial and disposal. The I Addl. Munsiff shall give notice of transfer to all the parties before it is being transferred to the other Court.

M.N. KRISHNAN, JUDGE.

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